

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

AMERICAN SOUTHERN INSURANCE	§	PLAINTIFF
COMPANY	§	
	§	
VERSUS	§	NO. 1:06cv1243-LG-JMR
	§	
JAMES G. MICHAELS, d/b/a J.G.	§	
MICHAELS CONTRACTING and KEVIN	§	
L. GIBSON	§	DEFENDANTS

FINAL JUDGMENT

This action came on for trial on Monday, January 12, 2009, before the Court with Honorable Louis Guirola, Jr., United States District Judge, presiding, without a jury. The issues have been duly tried, and the Court has heard all of the evidence and argument of counsel. The Court finds that it has jurisdiction, and the Court's discretion should be exercised in favor of granting a declaratory judgment.

For the reasons stated in the record, the Court finds that Plaintiff American Insurance Company owes neither indemnity nor a defense to Defendant James G. Michaels, d/b/a J.G. Michaels Contracting Company for the personal injury claims of Defendant Kevin L. Gibson, currently pending before the Circuit Court of Harrison County, Mississippi, First Judicial District, cause number A-2401-06-324. Accordingly,

IT IS THEREFORE ORDERED AND ADJUDGED, that Plaintiff American Southern Insurance Company does not owe indemnity to Defendant James G. Michaels, d/b/a J.G. Michaels Contracting Company, for the personal injury claims of Defendant Kevin L. Gibson.

IT IS FURTHER ORDERED AND ADJUDGED, that Plaintiff does not owe a defense

to Defendant Michaels against the personal injury claims of Defendant Gibson.

SO ORDERED AND ADJUDGED this the 12th day of January, 2009.

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.

United States District Judge